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UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 19 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte DAVID JOHN TYRRELL, CHANTEL SPRING BUHROW  
DAVID ROLAND OTTS, DUANE GERARD KRZYSIK,  
EARL DAVID BROCK, JAMES LOUIS CAHALL,  
SAMUEL QCHENG LIN, RONNI LYNN WEINKAUF, and  
UMA SANTHANAN

Application No. 09/746,888

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on April 17, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on October 1, 2002, January 28, 2003 and August 28, 2003.

It is not clear from the record whether the examiner considered these statements or whether the examiner notified appellants of why their submission did not

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meet the criteria set forth in 37 CFR 1.97 and 1.98 as the examiner has not initialed next to each of the references nor signed and dated the 1449 as required by the Manual of Patent Examining Procedure (MPEP) § 609 C(2).

According to MPEP § 609 C(2) (Eighth Ed., Aug. 2001):

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

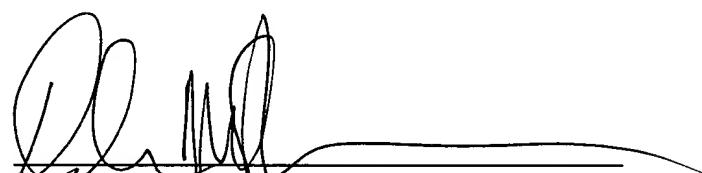
Accordingly, it is

ORDERED that the application is returned to the examiner for

- (1) proper consideration of the IDS(s) noted above,
- (2) notification to appellants in writing of such consideration, and
- (3) for such further action as may be appropriate.

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By:

A handwritten signature in black ink, appearing to read "DALE M. SHAW", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized initial 'D' and 'M'.

DALE M. SHAW  
Deputy Chief Appeal Administrator  
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DMS/vsh

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cc: KIMBERLY-CLARK WORLDWIDE, INC  
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